

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES D. STREETER,

Defendant.

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CASE NO. 4:22-cr-00117

ORDER

[Resolving Docs. 31, 35]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Defendant Charles Streeter moves for a sentence reduction under 18 U.S.C. § 3582(c)(2) and U.S. Sentencing Guidelines Amendment 821.¹

Amendment 821 changes the assignment of “status points” for criminal history calculations. For defendants with seven or more criminal history points, Amendment 821 reduces those defendants’ status points to one point.² For defendants with six or fewer criminal history points, Amendment 821 reduces those defendants’ status points to zero.³

Although Amendment 821 applies retroactively, a district court may not modify a defendant’s sentence based on a retroactive amendment unless the defendant is eligible under U.S. Sentencing Guidelines § 1B1.10.⁴ And under § 1B1.10(a)(2)(B), a defendant is not eligible if applying the retroactive amendment does not lower the defendant’s guideline range.⁵

¹ Doc. 31.

² Amendment 821, <https://www.ussc.gov/guidelines/amendment/821>.

³ *Id.*

⁴ *Dillon v. United States*, 560 U.S. 817, 827 (2010).

⁵ U.S.S.G. § 1B1.10(a)(2)(B).

Case No. 4:22-cr-00117
GWIN, J.

In this case, the Court sentenced Defendant Streeter using the guideline calculation for Criminal History Category VI, because Smith had 14 total points.⁶ Applying Amendment 821, Streeter's criminal history points are reduced to 13. But that does not change Streeter's Criminal History Category⁷ and therefore does not change Streeter's guideline range.

For this reason, Defendant Streeter is not eligible for a sentence reduction under Amendment 821 and § 3582(c)(2). The Court **DENIES** the sentence reduction motion. The Court also **DENIES** the government's extension motion⁸ as moot.

IT IS SO ORDERED.

Dated: February 15, 2024

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ Doc. 30 at PageID #: 135; Doc. 23 at ¶ 47.

⁷ See U.S.S.G. Ch. 5, Pt. A (Sentencing Table).

⁸ Doc. 35.